

1982 BILL 245

Fourth Session, 19th Legislature, 31 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 245

ALBERTA ADOPTIONS FOUNDATION ACT

MRS. CHICHAK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 245
Mrs. Chichak

BILL 245

1981

ALBERTA ADOPTIONS FOUNDATION ACT

(Assented to _____, 1982)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act

- (a) "Board" means the Board of trustees referred to in section 4(1);
- (b) "Foundation" means the foundation established by section 2;
- (c) "Fund" means the Alberta Adoptions Foundation Fund established by section 3;
- (d) "Minister" means the Minister of Social Services and Community Health;
- (e) "mother" means a person who has applied for support pursuant to section 6; and
- (f) "separated" means separated from a spouse pursuant to a separation agreement approved by a Court.

Foundation established

2(1) There is hereby established the Alberta Adoptions Foundation which shall be a non-profit foundation with the objective of supporting single, divorced or separated pregnant female persons and assisting them to carry their pregnancies to term, in accordance with the further provisions of this Act.

(2) The Foundation shall not be operated for gain or profit.

(3) The objects of the Foundation are

- (a) to support single, divorced or separated pregnant female persons to assist them to carry their pregnancies to term;
- (b) to carry out research into the problems faced by and the best way to help such persons and to generate educational and counselling programs relating to all aspects of maternity; and
- (c) to provide counselling and education programs referred to in clause (b), to such persons and to any others that request such counselling or education programs;

in accordance with the further provisions of this Act.

Fund established **3** The Foundation shall have a fund known as the Alberta Adoptions Foundation Fund into which shall be paid

- (a) such money as may be appropriated to the purpose by the Legislature;
- (b) contributions by any individual, corporation, association or other organization;
- (c) such money as is raised by the Board for the purposes of the Foundation; and
- (d) bequests or gifts to the Foundation.

Board of trustees **4(1)** The Foundation and the Fund shall be administered by a Board of trustees consisting of a chairman and 8 members to be appointed by the Minister with the approval of the Lieutenant Governor in Council, of whom

- (a) 1 shall be a physician or surgeon;
 - (b) 1 shall be a lawyer; and
 - (c) 1 shall be a person who has been an unmarried mother.
- (2) The members of the Board may include members of the Legislative Assembly who are not members of the Executive Council.
- (3) No member of the public service of Alberta shall be a member of the Board.
- (4) An order appointing a member of the Board may provide for his term of office but in the absence of such a provision, the term of office of a member is 1 year from the effective date of his appointment and thereafter until his successor is appointed.
- (5) The Minister shall designate 1 of the members of the Board as chairman and another as vice-chairman and, unless the order otherwise provides, the term of office of a chairman or vice-chairman so

designated is 1 year from the effective date of the designation and until their respective successors are thereafter designated.

(6) The vice-chairman is the acting chairman of the Board in the event of the absence or inability to act of the chairman or a vacancy in the office of chairman.

(7) 5 members present constitutes a quorum of the Board.

(8) The chairman and members of the Board shall receive such reimbursement of expenses incurred in connection with the business of the Foundation as is prescribed by the Lieutenant Governor in Council, after consultation with the Board.

(9) The Board shall initially operate on a voluntary basis, but the Lieutenant Governor in Council may prescribe remuneration to members, after consultation with the Board, if he is of the opinion that it is warranted by the amount of time spent by members on the affairs of the Foundation.

By-laws

5(1) The Board may establish by-laws governing its own procedures and the management of the Funds assets.

(2) The Board may employ such staff and contract for such professional services or research as it deems necessary for the purposes of this Act, to be paid for out of the Fund.

(3) The Board may pay from the Fund such sums as it deems necessary to promote the objects of the Fund and to solicit contributions, gifts and bequests to the Fund.

(4) The Board may pay from the Fund such sums as are provided for by section 6 and the regulations.

Mothers' allowance, education and counselling

6(1) A female person who is single, divorced or separated and is pregnant may apply to the Board in the manner provided by the regulations, stating

- (a) that she is single, divorced or separated;
- (b) that she is pregnant;
- (c) that she is willing to carry and give birth to the child; and
- (d) that she intends to release the child for adoption.

(2) The Board, upon receiving such certification or evidence of the matters stated in the application as to subsection 1(a) and (b), as is provided for in the regulations, may pay to her from the Fund a weekly allowance to provide for

- (a) her food, shelter, clothing and other necessary living expenses during her pregnancy; and

(b) food, shelter, clothing and other necessities for her after the birth subject to subsection (6).

(3) The amount and commencement date of the allowance shall be determined by the Board, in accordance with the regulations.

(4) The allowance shall be payable from the time the mother, as a result of her pregnancy, becomes unable to support herself or loses support she previously depended upon.

(5) The allowance shall continue until

(a) 6 weeks after the birth of the child, or

(b) the mother commences full-time employment, or

(c) the child is adopted, aborted or miscarried,

whichever first occurs, subject to subsection (6) and section 8.

(6) Notwithstanding subsection (5), the Board may continue the payment of an allowance after the time provided in subsection (5) for it to cease, if in its opinion the mother is still unable to support herself as a result of the pregnancy.

(7) The Board shall, as a condition of paying and continuing to pay an allowance, require the mother to receive education and counselling and proper physical and medical attention to assist her in prenatal care, to assist her to adjust to her pregnancy, to help her care for herself after the birth and to help her avoid any further unwanted pregnancy, at times and under such further conditions as the Board may specify.

(8) The Board shall reimburse a mother attending counselling or attention pursuant to subsection (7), for her reasonable travelling expenses.

Adoption

7 A child made available for adoption by a mother receiving an allowance under this Act shall be adopted pursuant to the *Child Welfare Act*.

Decision regarding adoption

8(1) Notwithstanding this Act, a mother may at any time revoke a prior decision to give up her child for adoption, subject to the *Child Welfare Act*.

(2) When a mother decides to keep her child and not give it up for adoption, she shall give the Board notice in writing of her decision and the Board shall terminate payment of the allowance forthwith or after such time not exceeding 4 weeks after receipt of the notice as the Board considers reasonable in the circumstances.

Research

9 The Board may provide for the carrying out of research on the type of education and counselling to be given pursuant to section

6(7) or section 10 and on the effectiveness of the education and counselling given.

Programs and services available

10 The Board may make available its educational and counselling programs and services to any person requesting them, and may promote the programs and services to the public.

Annual Report

11(1) At the end of each fiscal year the Board shall prepare an annual report and financial statement of the Fund.

(2) The Board shall appoint an auditor for the Fund, who shall be an accountant in private practice and who shall audit the Fund and the financial statement.

(3) The Board shall send the annual report, the financial statement and the auditor's report to the Minister who shall forthwith table them in the Legislative Assembly if it is then sitting and if it is not then sitting, within 15 days of the commencement of the next sitting.

Regulations

12 The Minister after consultation with the Board may make regulations

(a) establishing the method of calculating the amount of an allowance payable under section 6;

(b) specifying the circumstances in which an allowance may be paid commencing on a date prior to an application made pursuant to section 6(1), but no earlier than the commencement of the pregnancy;

(c) providing for the amount of financial support available to a mother from

(i) her parents;

(ii) the father of the child;

(iii) a social allowance pursuant to the *Social Development Act*;

(iv) employment of a nature that the mother could reasonably be expected to continue during a part of her pregnancy; and

(v) any other source that the Lieutenant Governor in Council prescribes;

to be taken into consideration by the Board in establishing the allowance to be paid;

(d) specifying the circumstances in which an allowance may be increased or decreased; and

(e) prescribing any other matter necessary for the administration of this Act or the fulfillment of the objects of the Foundation.

Coming into force **13** This Act comes into force on a date to be fixed by Proclamation which may not be sooner than the date of a certification by the Minister to the Lieutenant Governor in Council that there is in the Fund sufficient money to enable the operation of this Act to commence.